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$$\left. \begin{array}{l}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array} \right\}$$

ORDER

VS.

Defendants.

The court's screening order, however, allowed a party to seek to remove the case from the inmate mediation program. (*Id.* at 9.) Plaintiff filed a timely request to exclude the case from the Inmate Mediation Program. Plaintiff's rationale is that "because of excessive pain and the increase in damage that any delay or stay may have on the Plaintiff's person, the Plaintiff moved that this case be removed from the mediation conference." (ECF No. 5 at 2.)

1 In the court's extensive experience with the mediation and settlement conference process, parties
2 would frequently express pessimism that their case had any chance of settlement. Yet, on numerous
3 occasions, the parties were indeed able to come to an accord and successfully resolved their dispute.
4 Certainly not all of the "unsettle-able" cases settled, but many do. One fact that is fairly undisputable is
5 that if the parties do *not* at least undertake a settlement dialogue, the case will most definitely *not* settle.

6 Even if a case does not settle, there is nevertheless a benefit to the parties by exploring and
7 addressing the strengths and weaknesses of their claims and defenses. From the perspective of the
8 governmental defendants, the discussions may shed light on potentially errant policies, decisions,
9 procedures or activities and possibly allow corrective action to be undertaken. And from the standpoint
10 of an inmate Plaintiff, he may be educated about the technical nuances of § 1983 litigation which may
11 cause him to re-evaluate the propriety of his claims. In either event, it cannot be overlooked that an early
12 settlement of an inmate's case allows him to avoid immediately incurring the expense of the \$350.00
13 filing fee which would otherwise have to be paid to the court if the case were to proceed in the absence
14 of mediation.

15 The court is aware that in at least one other case Plaintiff filed in 2009, Plaintiff achieved a
16 settlement at the Inmate Early Mediation Conference. *Walker v. Benedetti, et al.*, 3:09-cv-349-RCJ-VPC,
17 ECF No. 14.

18 Therefore, to further the interests of justice, this matter will proceed to the Inmate Early
19 Mediation Program in accordance with the court's screening order (ECF No. 3).

20 Plaintiff's Motion to Exclude Case from Mediation Program (ECF No. 5) is **DENIED**.

21 **IT IS SO ORDERED.**

22 DATED: May 17, 2017.

23 

24 WILLIAM G. COBB
25 UNITED STATES MAGISTRATE JUDGE
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